

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

RANDAL J. KLAPPERICK,

Plaintiff,

vs.

UNION PACIFIC RAILROAD
COMPANY, a Delaware corporation;

Defendant.

4:23CV3105

**FINAL PROGRESSION ORDER
(AMENDED)**

IT IS ORDERED that the joint motion to amend case progression, Filing No. 38, is granted. The Final Progression Order, Filing No. 30, is amended as follows:

- 1) The status conference to discuss case progression, the parties' interest in settlement, and the trial and pretrial conference settings remains scheduled with the undersigned magistrate judge on **January 7, 2025 at 10:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 2) The deadlines for complete expert disclosures¹ for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

¹ While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert's treatment records and reports must be separately and timely disclosed.

For the plaintiff(s): January 13, 2025.

For the defendant(s): February 13, 2025.

Plaintiff(s)' rebuttal: March 3, 2025.

- 3) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is April 2, 2025.
- 4) The deadline for filing motions to dismiss and motions for summary judgment is May 5, 2025.
- 5) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is April 2, 2025.
- 6) Motions in limine shall be filed twenty-eight days before trial. It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.
- 7) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 8) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.
- 9) All deadlines not amended herein remain unchanged.

Dated this 12th day of September, 2024.

BY THE COURT:

s/ Jacqueline M. DeLuca

United States Magistrate Judge